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Jerald C. Newman

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United States
National Commission on
Libraries and Information Science

January 8, 1990

The Honorable Carl Levin
United States Senate Committee
on Governmental Affairs
UNITED STATES SENATE
Washington, DC 20510-6250

Dear Senator Levin:

I am writing to you in response to your letter of December 7, 1989 concerning actions taken by Daniel H. Carter, Chairman of the White House Conference Advisory Committee (WHCAC). I am taking the liberty of answering questions in the same paragraph-by-paragraph order as your letter.

1. The National Commission on Libraries and Information Science (NCLIS) does not contest the general applicability of FACA to WHCAC. However, as you must appreciate, the applicability and requirements of FACA in specific cases can sometimes be unclear. I understand from Mr. Carter that he has from time to time made inquiries of the GSA Secretariat and Department of Education Office of the General Counsel regarding definitions and interpretations of the statute concerning a variety of matters, but he was not "contesting" the determination of the Committee Management Secretariat.
2. Mr. Carter's exercise of procurement authority has been for the White House Conference on Libraries and Information Services (WHCLIS) pursuant to delegations by NCLIS to WHCAC and by WHCAC to Mr. Carter. At the April 1989 meeting of NCLIS, a discussion was held concerning the delegation of authority for the planning and conducting of WHCLIS. The sense of NCLIS was that the WHCAC should work closely with the NCLIS White House Conference Committee with the authority to conduct WHCLIS under the direction of NCLIS. When Mr. Carter's appointment as a Commissioner of the NCLIS expired on July 19, 1989, I authorized him, as Chairman of WHCAC, to distribute and obligate funds for the WHCLIS in accordance with the WHCLIS budget and subject to applicable law (including FACA) subject to my ultimate approval and guidance. Mr. Carter informed me that he completed the documents necessary to notify the Department of Education, Personnel, Budget, Finance and Payroll offices, as well as the National Finance Center, of his signing authority for WHCLIS activities. At the NCLIS meeting on December 11-12,

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1989, the Commission reaffirmed that WHCAC should plan and conduct WHCLIS under the direction of NCLIS. WHCAC has authorized Mr. Carter, of Chairman of WHCAC, to obligate and disperse such funds as may be required to carry out the WHCLIS plans as approved by NCLIS. Mr. Carter has signed Purchase Orders and Travel Orders totaling \$164,702.84. He has not signed any authorizations for expenditures in FY 1990.

3. The Dire Emergency appropriation for fiscal year 1989 provided NCLIS with \$1,750,000 for Fiscal Year 1989 WHCLIS expenditures. Of these funds, \$1,575,000 were obligated to the States and Territories for their preconference activities. The balance of the initial appropriation, approximately \$175,000, was required to support the WHCAC and staff activities.

The expenses of WHCAC as reported to me are indicated in Exhibits 1A, 1B, 2A and 2B attached to this letter.

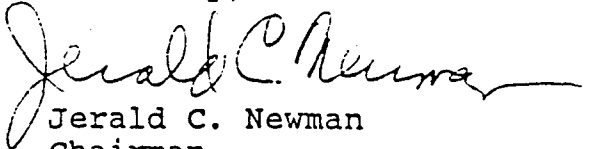
4. To the best of my knowledge, the information and documentation supplied by Mr. Carter with respect to a request for appropriation for the White House Conference in FY 1991 was not inadequate or untimely. It should be pointed out that WHCLIS was not included in White House appropriation requests for the original \$1,750,000 or for the later \$3,250,000. These requests originated in the Congress. It is my understanding from Mr. Carter that he has supplied information to OMB on a number of occasions. At present Mr. Carter has no pending OMB inquiries or requests and assumes that they require no additional information from him.
5. The Chairman of the Advisory Committee (Mr. Carter) has the authority to appoint staff, including the Executive Director for the WHCAC, in accordance with P.L. 100-382. Mr. Carter has sought assistance from a Search Committee made up of members of the WHCAC. There have not been any meetings of such Search Committee held to date, but it is my understanding that one is planned for mid-January 1990 and that appropriate steps are being taken to ensure that this subcommittee of the WHCAC is complying with FACA.
6. Since Mr. Carter's election as Chairman of WHCAC, he has worked closely with the WHCLIS staff. He has been responsible as the lead person on the White House Conference staff until such time as the Executive Director is appointed. From the inception of the WHCAC in 1989 to November 18, 1989, Mr. Carter has received a salary from the Advisory Committee of \$10,500.00 for 52 1/2 days at the rate of \$200.00 per day (which is the amount fixed by the President for members of WHCAC). Of this amount, \$4,600.00 was for fiscal year 1989

and \$5,900.00 was for fiscal year 1990. Mr. Carter has received a total of \$4,293.84 for expenses from the Advisory Committee, of which \$3,091.36 was for fiscal year 1989 and \$1,202.48 was for fiscal year 1990 through November 11, 1989.

7. It is my understanding that Mr. Carter will be seeking reappointment to NCLIS. At its last meeting, the Commissioners of NCLIS congratulated him for his performance as Chairman of WHCAC. I also understand that at its last meeting, WHCAC congratulated Mr. Carter on the performance of his duties as Chairman of the Advisory Committee.

If you require any additional information, it would be my pleasure to provide same.

Sincerely,


Jerald C. Newman
Chairman

JCN:hcm

2001 Marcus Avenue - Suite N20
Lake Success, NY 11042
Business: (516) 328-7300

12-Dec-89

FY '89

09:18 AM

SUMMARY

ITEM	WORKSHEET OBLIGATED	EXPENDITURES	UNEXPENDED OBLIGATIONS
PURCHASE ORDERS	\$107,998.85	\$105,006.59	\$2,992.26
TRAVEL	\$29,716.67	\$21,826.09	\$7,890.58
SALARY	\$8,200.00	\$8,200.00	\$0.00
OSA	\$25,353.68	\$25,353.68	\$0.00
REIMBURSABLE	\$895.52	\$895.52	\$0.00
STATE ALLOCATIONS	\$1,575,000.00	\$1,575,000.00	\$0.00
TOTAL	\$1,747,164.72	\$1,736,281.88	\$10,882.84

12-Dec-89

FY '90

09:17 AM

SUMMARY

ITEM	WORKSHEET OBLIGATED	EXPENDITURES	UNEXPENDED OBLIGATIONS
PURCHASE ORDERS	\$154,924.69	\$54,003.64	\$100,921.05
TRAVEL	\$12,485.70	\$2,484.56	\$10,001.14
SALARY	\$8,950.21	\$8,950.21	\$0.00
OSA	\$16,456.06	\$16,206.06	\$250.00
REIMBURSABLE	\$668.85	\$668.85	\$0.00
 TOTAL	 \$193,485.51	 \$82,313.32	 \$111,172.19

FY '89

12:10 PM

22-Dec-89

PURCHASE ORDER #	VENDOR NAME	OBLI- GATION CODE	ORIGINAL OBLIGATION	DATE
920001	Shanney Suites	21.00	\$5,000.00	18-Jul
920002				
920003	DHL	23.53	\$1,000.00	21-Jul
920004	Ginn	26.71	\$4,000.00	10-Aug
920005	TeleSec	28.48	\$1,255.20	03-Aug
920006	Maritima Reporting	25.48	\$600.00	20-Jul
920007	Chamber of Commerce	25.70	\$9.00	31-Jul
920008	Metropolitan Del. Sv	23.53	\$100.00	03-Aug
920009	Generation 5, Inc.	25.48	\$5,420.00	07-Aug
920010	Baumgarten	25.70	\$800.00	03-Aug
920011	Cahner Publishing	25.70	\$700.00	04-Aug
920012	Chron. of Higher Ed.	25.70	\$700.00	04-Aug
920013	Washington Post	25.70	\$4,700.00	04-Aug
920014	Canon (copier)	23.66	\$1,671.75	07-Aug
920015	Williams, Mildred J.	11.33	\$8,000.00	07-Aug
920016	Weinstein, Shelley	11.33	\$8,000.00	07-Aug
920017	Hillman, Roy	11.33	\$8,000.00	07-Aug
920018	Encore Temporary	25.40	\$1,661.00	29-Sep
920019	American Speedy	25.40	\$5,000.00	10-Aug
920020	A to X Typewriter	25.30	\$100.00	10-Aug
920021	Velborn, Grace	25.40	\$104.75	10-Aug
920022	IMS Leasing Inc.	23.65	\$4,537.00	15-Aug
920023	IMS Hessler	23.65	\$390.00	15-Aug
920025	Egghead Software	26.32	\$1,003.00	15-Aug
920026	Canon U.S.A.	25.48	\$2,225.00	16-Aug
920027	Encore Temporary	25.40	\$2,000.00	16-Aug
920028	Akeroyd, Richard	25.40	\$1,200.00	19-Aug
920029	Ambach, Gordon	25.48	\$1,200.00	19-Aug
920030	Aep, William O.	25.48	\$1,200.00	19-Aug
920031	Barnett, Louis Will	25.48	\$1,200.00	19-Aug
920032	Casey, Daniel W.	25.48	\$3,000.00	19-Aug

920033	Cassell, William C.	25.48 *	\$1,200.00	19-Aug
920034	Chisholm, Margaret	25.48 *	\$1,200.00	19-Aug
920036	Floyd, Rebecca Ann	25.48	\$1,200.00	19-Aug
920037	Forth, Stuart	25.70	\$1,200.00	19-Aug
920038	Hon, Gloria S.	25.70 *	\$1,200.00	19-Aug
920039	Leon, Carmenofa	25.70	\$1,200.00	19-Aug
920040	Mahoney, Hugh	25.70	\$2,000.00	19-Aug
920041	Newman, Jerald C.	25.70	\$1,200.00	28-Aug
920042	Parr, Jerry	25.70 *	\$2,000.00	17-Aug
920043	Reaves, Joan Rene	25.70	\$1,200.00	17-Aug
920044	Roberts, James C.	25.70	\$1,200.00	17-Aug
920045	Schouweiler, Eileen	25.70	\$1,200.00	17-Aug
920046	Tomlinson, Kenneth	25.70	\$200.00	17-Aug
920047	Wahlford, Carol L.	25.70 *	\$1,200.00	17-Aug
920048	Young, Virginia	25.70	\$1,200.00	17-Aug
920049	Encore Temporary	25.48	\$1,700.00	17-Aug
920050	Encore Temporary	25.48	\$2,227.20	31-Aug
920051	Encore Temporary	25.48	\$2,160.00	31-Aug
920052	Embassy Suites	21.00	\$0,000.00	31-Aug
920054	Heritage Reporting	26.71	\$1,500.00	31-Aug
920055	C&P			
920056	AT&T	23.20	\$600.00	17-Sep
920057	Cohen	25.70	\$217.50	07-Sep
920058	Baumgarten	26.71	\$800.00	11-Sep
920059	Encore Temporary	25.48	\$1,807.04	13-Sep
920060	Blake Construction	25.33	\$60.00	14-Sep
920061	Stockpole, John	25.40	\$500.00	15-Sep
920062	Raid, Charles	26.71	\$600.00	15-Sep
920063	Reliable Locksmith	25.33	\$100.00	12-Sep
920064	Falcon Microsystems	31.25	\$0,344.00	29-Sep
920065	Ann Bevilacqua	26.32	\$6,719.40	29-Sep

TOTALS

\$130,179.84

SECOND TABLE

TRAVEL

EXHIBIT 2B

TRAVEL
PURCHASES

ORDERS	NAME	DATE	ORIGINAL OBLIGATIONS
90000			
90001	Scheweller, Eileen	02-Aug	\$692.00
90002	Akeroyd, Richard	02-Aug	\$500.00
90003	Asp, William	02-Aug	\$612.00
90004	Barnett, Louis	02-Aug	\$792.00
90005			
90006	Cassell, William	02-Aug	\$500.00
90007	Casey, Daniel	02-Aug	\$562.00
90008	Chisholm, Margaret	02-Aug	\$792.00
90009	Floyd, Rebecca	02-Aug	\$608.00
90010	Fitzsimmons, Joseph	02-Aug	\$554.00
90011	Forth, Stuart	02-Aug	\$494.00
90012	Hem, Gloria	02-Aug	\$792.00
90013	Leon, Carmencita	02-Aug	\$592.00
90014	Martinez, Mary Jane	02-Aug	\$592.00
90015	Mahoney, Hugh	02-Aug	\$492.00
90016	Newman, Jerald	02-Aug	\$492.00
90017	Reeves, John	02-Aug	\$492.00
90018	Tomlinson, Kenneth	02-Aug	\$492.00
90019	Wohlford, Carol	02-Aug	\$542.00
90020	Young, Virginia	02-Aug	\$542.00
90021			
90022	Casey, Daniel	15-Aug	\$600.00
90023	Mahoney, Hugh	17-Aug	\$1,304.00
90024	Akeroyd, Richard	19-Sep	\$697.00
90025	Asp, William	19-Sep	\$607.00
90026	Barnett, Louis	19-Sep	\$797.00
90027	Carter, Daniel	19-Sep	\$789.00
90028	Cassell, William	19-Sep	\$751.00
90029	Casey, Daniel	19-Sep	\$787.00
90030	Chisholm, Margaret	19-Sep	\$797.00
90031	Floyd, Rebecca	19-Sep	\$613.00
90032	Fitzsimmons, Joseph	19-Sep	\$759.00
90033	Forth, Stuart	19-Sep	\$699.00

90034	Hoa, Oterib	19-Sep	\$997.00
90035	Leon, Carmelita	19-Sep	\$797.00
90036	Hartinez, Mary Jane	19-Sep	\$797.00
90037	Hahoney, Ruth	19-Sep	\$989.00
90038	Hewson, Jarald	19-Sep	\$989.00
90039	Kayser, Joan	19-Sep	\$989.00
90040	Schouweiler, Kileen	19-Sep	\$897.00
90041	Taslinson, Kenneth	19-Sep	\$697.00
90042	Wohlford, Carol	19-Sep	\$747.00
90043	Young, Virginia	19-Sep	\$747.00
90044	Barnett, Louis	16-Aug	\$604.00
90045	Stevens, Frank	18-Aug	\$792.00
90046	Oleaves, Edwin	20-Sep	\$670.00
90047	Kuebach, Gordon	19-Sep	\$279.00
90048	Roberts, James	19-Sep	\$100.00

TOTALS

\$32,241.00

EXHIBIT